

# **EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

GARY ODOM

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

) Civil Action No. 6:08-CV-331

) **DECLARATION OF WILLIAM J.  
) HARMON IN SUPPORT OF  
) MICROSOFT CORPORATION'S  
) MOTION TO TRANSFER PURSUANT  
) TO 28 U.S.C. § 1404(a)**

) Hon. Leonard Davis  
)  
)  
)

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I, William J. Harmon, Esq., under penalty of perjury, declare as follows:

1. I am an attorney employed by Defendant Microsoft Corporation ("Microsoft").

My title is Associate General Counsel. Unless otherwise stated herein, I have personal knowledge of the facts set forth below and, if called as a witness, could and would competently testify thereto.

2. Microsoft is a Washington corporation with its principal place of business in Redmond, Washington.

3. While I was not responsible for the development of Microsoft Office 2007, my understanding is that Microsoft Office 2007 was primarily designed and developed at Microsoft's corporate headquarters in Redmond, Washington.

4. While I was not responsible for the development of Microsoft Office 2007, my understanding is that the development documentation, relevant source code, and Microsoft employees with information about the development and operation of Microsoft Office 2007 are primarily located in Redmond, Washington.

5. Gary Odom, doing business as the "Patent Hawk", worked directly with, and

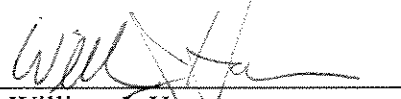
contracted as a vendor consultant for, several of Microsoft's in-house attorneys who work at Microsoft's headquarters in Redmond, Washington.

6. It is my understanding that from 1999 through 2004, while working for or on behalf of Microsoft (through outside counsel or directly for Microsoft), Gary Odom met with Microsoft employees in Microsoft's Redmond, Washington offices, and Gary Odom was exposed to Microsoft technology and confidential patent strategies.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of October 2008, at Redmond, Washington.

By:

  
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William J. Harmon